

US Patent Application 10/016,372
Atty Docket (MM) 54 192
Tontarra

Remarks

Claims 1-4 and 7-36 are rejected under 35 USC 102(e) as being anticipated by Janzen.

Valid rejection under 35 USC 102 requires that each feature of a rejected claim be disclosed in a single reference. "For anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present." MPEP 706.02(a)

Janzen does not disclose each feature of the rejected claims (as currently amended).

Amended claims 1 comprises the features of originally filed claims 1 and 2, and the following additional feature:

wherein in a first phase the movable part (13) comes free from the guide and complementary guide (31, 32) on transfer from the initial position (22) into a further position (39), whereby the movable part (13) and the main part (12) are coupled by the releasable articulated connection (41)

The disclosure of the above feature is found in paragraph 43 of the specification, and is shown in Figure 4.

The main difference between Janzen '674 and the invention (as now claimed) is that Janzen does not show any releasable articulated connection 41 to enable the movable part to be captive to the main part after the movable part comes free from the guide 31 of the complementary guide of the main part. This feature enables the surgical instrument to be dismounted for cleaning in a first phase as shown in Figure 4 and also enable the movable part to be separated completely from the main part in a second phase, for

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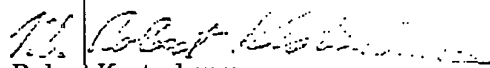
example, for providing the surgical instrument with a new movable part. This releasable articulated connection 41 for coupling the moveable part and the actuatable handle portion in a cleaning position also has the advantage that, after cleaning the surgical instrument, it is very easy to mount the movable part to the main part for further use of the surgical instrument.

Janzen, however, does not show any releasable articulated connection to provide in a first phase the coupling of the movable part to the main part and, in a second phase, to release the movable part from the main part by the releasable articulated connection.

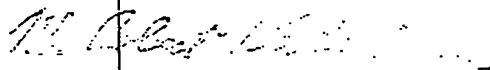
Janzen shows that after disengaging the pin 38 out of the U-shaped slot 42 of the handle portion, the movable part will be totally free from the main part, and is separated. It is not possible and further, there are no hints to a person skilled in the art to provide a surgical instrument according to Janzen with a releasable articulated connection to enable in a first phase that the movable part comes free from the guide and complementary guide, but will be coupled to the main part by a cleaning position, and further in a second phase the movable part can be totally separated from the main part.

Wherefore, further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,


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I hereby certify this correspondence is being submitted to the Commissioner for Patents, Alexandria, Va. 22313-1450 by facsimile transmission on December 26, 2003, fax number (703) 746-3313.



M. ROBERT KESTENBAUM, LLC
PATENT AND TRADEMARK MATTERS

FACSIMILE TRANSMITTAL SHEET

TO:	Examiner Kevin Truong-Art Unit 3731	FROM:	M. Robert Kestenbaum
COMPANY:	Commissioner for Patents	DATE:	December 26, 2003
FAX NUMBER:	(703) 746-3313	TOTAL NO. OF PAGES INCLUDING COVER:	11
PHONE NUMBER:	(703) 308-3767	SENDER'S REFERENCE NUMBER:	(MM) 54 192
RE:	Amendment	YOUR REFERENCE NUMBER:	10/016,372

NOTES/COMMENTS:

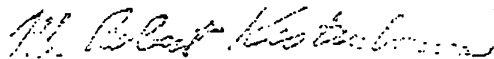
Dear Examiner Truong:

I am faxing an Amendment (10 pages) in response to the Office Action mailed September 25, 2003.

We respectfully believe the claims, as amended, overcome the cited prior art.

Thank you in advance for considering this submission.

Sincerely,



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